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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/602,314 | 06/24/2003 | Carol A. Siegel | 26881 USA | 9016 |

7590 09/02/2004

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| EXAMINER |
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HOGUE, GARY CHAPMAN

| ART UNIT | PAPER NUMBER |
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3611

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/602,314 | Applicant(s) SIEGEL, CAROL A. | |
| | Examiner Gary C Hoge | Art Unit 3611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/24/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-13, 15, 17-26, 28 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Royal.

Royal discloses a display comprising a first display surface **20** having a first perimeter; a second display surface **13** having a second perimeter, a viewing aperture **14** extending through the second display surface **13** and defined by an aperture perimeter, the second display surface **13** being positioned substantially overlying and in spaced relation to the first display surface (see Fig. 3), a portion of the first display surface **20** being visible through the viewing aperture **14**; and a frame assembly **11** surrounding the first and second display surfaces and engaging the first and second perimeters (see Fig. 3), at least a portion of the aperture perimeter being inwardly disposed in spaced relation relative to the frame assembly (see Fig. 2), the frame assembly **11** maintaining the display surfaces in the overlying spaced relation.

Regarding claims 3, 10 and 17, see Fig. 2. Royal discloses a frame assembly including a first frame **17** positioned between the first **20** and the second **13** display surfaces, and a second frame **11** positioned overlying the first frame **17**, the second display surface **13** being sandwiched between the first **17** and second **11** frames.

Regarding claims 5, 12, 19 and 25, both of the frames (11, 17) have approximately the same height and width, they are both rectangular, and they both have large, similarly-sized apertures in the middle thereof. Therefore, they are “substantially the same size and shape.”

Regarding claims 8, 15, 22 and 28, see column 4, lines 39-41.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royal in view of Weisgerber.

Royal discloses the invention substantially as claimed, as set forth above. However, the second display surface only has one aperture. Weisgerber discloses that it was known in the art to provide a display surface having a plurality of apertures. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display disclosed by Royal with a display surface having a plurality of apertures, as taught by Weisgerber, in order to display multiple items.

5. Claims 16 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royal in view of Hadden.

Royal discloses the invention substantially as claimed, as set forth above. However, the frame 11 appears to be a unitary construction. Hadden discloses that it was known in the art to make a frame out of individual members attached to one another end to end. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to make the frame disclosed by Royal out of individual members attached to one another end to end, as taught by Hadden, as an obvious matter of choice in design..

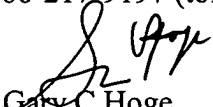
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C Hoge whose telephone number is (703) 308-3422. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary C Hoge
Primary Examiner
Art Unit 3611

gch